

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Arch Specialty Insurance Company, Plaintiff, -v- Lyter Group, Inc., Defendant.	2:23-cv-8146 (NJC) (ARL)
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MEMORANDUM AND ORDER

NUSRAT J. CHOUDHURY, United States District Judge:

On March 4, 2024, Plaintiff Arch Specialty Insurance Company (“Plaintiff”) filed a Motion for Default Judgment against Defendant Lyter Group, Inc. (“Defendant”). (ECF No. 14.) On November 1, 2025, the Court adopted Magistrate Judge Arlene R. Lindsay’s Report and Recommendation (the “R&R”) recommending that Plaintiff’s Motion for Default Judgment be denied with leave to renew because of Plaintiff’s failure to support its breach of contract claim by providing documentary evidence of its demands for payment. (ECF Nos. 16–17.) Afterwards, Plaintiff filed a Second Motion for Default Judgment against Defendant. (ECF No. 19.)

On May 2, 2025, Judge Lindsay issued a second R&R, recommending again that Plaintiff’s Motion for Default Judgment be denied with leave to renew, this time because “[t]here is no indication in the papers submitted to the Court by Arch that the renewed motion has been served on Lyster.” (ECF No. 20 at 1.) A copy of the R&R was provided to all counsel via ECF. (*See id.* at 1.) The R&R instructed that any objections to the R&R must be submitted in writing to the Clerk of Court within fourteen (14) days, *i.e.*, by May 16, 2025. (*Id.* at 2.) Before the period for objections expired, Plaintiff filed a Third Motion for Default Judgment against Defendant. (Third Mot. Default J., ECF No. 21.)

The date for filing any objections has now expired, and no party has filed an objection to Judge Lindsay's second R&R. In reviewing a report and recommendation, the court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If no objections are filed, a district court reviews a report and recommendation for clear error. *King v. Paradise Auto Sales I, Inc.*, No. 15-cv-1188, 2016 WL 4595991, at *1 (E.D.N.Y. Sept. 2, 2016) (citation omitted); *Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007)).

Because a motion for default judgment is dispositive, and because no party has filed timely objections to the R&R, I review the R&R for clear error. Having conducted a review of the motion papers and the applicable law, and having reviewed the R&R *de novo* out of an abundance of caution, I adopt the well-reasoned R&R in its entirety. Accordingly, I deny Plaintiff's Second Motion for Default Judgment (ECF No. 19) in its entirety with leave to renew.

Because Plaintiff has already filed a renewed Motion for Default Judgment (ECF No. 21), I refer that Motion to Judge Lindsay for a report and recommendation.

Dated: Central Islip, New York
May 27, 2025

/s Nusrat J. Choudhury
NUSRAT J. CHOUDHURY
United States District Judge